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CONSTITUTIONAL REFORMS IN MOROCCO IN THE AFTERMATH OF THE ARAB SPRING

Abstract:

The paper concerns the process of constitution-making and relates to some constitutional changes adopted in Morocco in the aftermath of the Arab Spring. The author focuses on the content of the new constitution of 29 July, 2011 and takes into consideration the most important provisions connected with the system of government. The author emphasizes the strengthening of the position of the government headed by the prime minister and pays attention to the parliamentary components of the new basic law. However, the conclusion is that the constitutional reforms of 2011 do not go too far and have their clearly visible limits.

Key words: Morocco, the Arab Spring, the constitution of 2011, the system of government, the executive branch

1. Introductory remarks

The Arab Spring in Morocco was strongly related to the activity of 20 February Movement – various groups expecting far-reaching political changes. One of the key demands of protesters was to carry out constitutional reforms, which would be much deeper than the changes introduced in previous years. To a large degree, the desired reforms were intended to transform the Moroccan system of government

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established in the constitution of 1996¹. The followers of 20 February Movement demanded a significant limitation of the constitutional position of the monarch, which would lead to a parliamentary system of government known from most European states. According to the theoretical construction of such a model, the position of the head of state is reduced to a representative and ceremonial functions. The president or monarch has very little impact on the daily management of the state and the process of determining of the state policy. What is more, the head of state is devoid of a strong legitimacy obtained directly from the people. The president or monarch may, however, play the role of arbitrator, who only occasionally interferes with the activity of the other organs of the state, such as the parliament or the government. As a result, the burden of the state policy rests with the prime minister, who is the head of government and the most important person on the political scene. In short, in such a system the head of state is politically neutralized. Therefore, the government is responsible exclusively before the parliament. The head of state has no right to dismiss the government without a previous demand of the prime minister².

It should be noted, however, that contemporary European parliamentary systems are applicable in a far rationalized version. In this case, the political and constitutional position of the parliament is significantly reduced, which in turn contributes to the strengthening of the position of the executive branch of government. Consequently, the process of rationalization of the parliamentary system of government can go in two different directions. In the first case, the strengthening of executive power relates primarily to the head of state. In extreme form, it leads to the introduction of the semi-presidentialism, which should be regarded as the result of profound rationalization of the parliamentary model. This version of rationalization exists in some European republics³. In the second case, through the aforementioned process, the prime minister (together with the government) be-

¹ However, the demands of protesters also included social reforms, as well as the fight against corruption and nepotism. Constitutional changes were therefore not the only ones that were expected to be introduced. See: F. Abdelmoumni, "Le Maroc et le Printemps arabe", *Pouvoirs* Vol. 2, 2013, no. 145, pp. 131-134; B. Dupret, J.-N. Ferrière, "Maroc: le 'Printemps arabe' de la monarchie", *Moyen-Orient* 2011, no. 12, pp. 57-58. It is estimated that on 20 February 2011 150-200 thousands of the Moroccan people in over fifty cities and towns took part in the protests against the existing political and social situation. See: M. Madani, D. Maghraoui, S. Zerhouni, "The 2011 Moroccan Constitution. A critical analysis", International Institute for Democracy and Electoral Assistance, Stockholm 2012, p. 6, [on-line] http://www.idea.int/publications/the_2011_moroccan_constitution, 12 July 2015.

² More broadly on the theoretical construction of the parliamentary system of government see: G. Sartori, *Comparative Constitutional Engineering. An Inquiry into Structures, Incentives and Outcomes*, New York 1997, pp. 101-119.

³ Its example is the semi-presidential system of government that has existed in France since the coming into force of the constitution of 1958. More broadly on this topic see: B. Clift, "Dyarchic presidentialization in a presidentialized polity: The French Fifth Republic", [in:] *The Presidentialization of Politics. A Comparative Study of Modern Democracies*,

comes the key element in the structure of the executive branch, while at the same time the position of the head of state is obviously weakened. The same refers to the status of the parliament in relation to the government. This version of rationalization is typical for modern European monarchies. It may be described as a premiership system of government⁴. What is important, common element of both variants of rationalization is a limited position of the legislative power. It is exemplified by a significant role of the executive branch in the law-making process.

The structure of the system of government established in the Moroccan constitution of 1996 indicated that it contained some elements of the parliamentary model. A confirmation of this was the principle of political responsibility of the government before the parliament – a necessary condition for such a system. The principle was, however, adopted in a limited form and had no significance in the political practice. Consequently, the existence of some components of parliamentarianism does not change the fact that before 2011 the Moroccan constitutional system was far from mechanisms that are typical for European monarchical model. Evidence of this is the content of all previous Moroccan constitutions of 1962, 1970, 1972, 1992 and 1996. All the basic laws were adopted during the reign of Hassan II who remained in power until 1999. These constitutions gave the king a lot of important competences and confirmed his dominance across the entire political system. In addition to the constitutional provisions that were favorable to the monarch, authoritarian style of governance should also be taken into account⁵. All this meant that the pro-democratic constitutional changes, which were started to be made in the 1990s, had little political significance. One of such reforms was the establishment of the Constitutional Council – the body whose main task is to control the constitutionality of the law⁶. Despite accession to the throne by Mohammed VI, which took place in the late 1990s, a new constitution was not enacted then. A sudden acceleration of the constitutional process occurred only as a result of the Arab Spring. The turmoil connected with the events of 2011 contributed to the adoption – after 15 years – a completely new constitution. The act introduced some novelties concerning the fundamental constitutional principles, as well as

⁴ Th. Poguntke, P. Webb (ed.), Oxford–New York 2005, pp. 221–245, [on-line] <http://dx.doi.org/10.1093/0199252017.001.0001>.

⁵ Its example is the premiership system of government that exists in the United Kingdom. More broadly on this topic see: R. Heffernan, P. Webb, "The British Prime Minister: Much More Than 'First Among Equals'", [in:] *The Presidentialization...*, Th. Poguntke, P. Webb (ed.), pp. 26–62, [on-line] <http://dx.doi.org/10.1093/0199252017.001.0001>; J. Szymanek, "System rządów premierowskich jako nowy typ systemu rządów: casus Wielkiej Brytanii", *Przegląd Politologiczny* 2011, no. 1, pp. 65–77.

⁶ E. Biagi, "The 2011 Constitutional reform in Morocco: more flaws than merits", *Jean Monnet Occasional Paper* 2014, no. 7, p. 5, [on-line] https://www.um.edu.mt/_data/assets/pdf_file/0016/207610/JM_Occasional_Paper_no_7_final_version_after_2nd_amendment.pdf, 10 July 2015.

⁶ K. Naciri, "La loi et le règlement dans la Constitution", [in:] *Trente années de vie constitutionnelle au Maroc*, [in:] D. Basri, M. Rousset, G. Vedel (éd.), Paris 1993, p. 294.

major organs of the state, including the monarch, the government, the prime minister and the chambers of bicameral parliament.

2. The enactment of the 2011 constitution as a result of the Arab Spring

The process of constitutional reforms was launched by Mohammed VI. A fast decision concerning the creation of the new constitution allowed him to retain a big impact on its final shape. On 9 March 2011 Mohammed VI indicated the most important components which the new basic law would include. The monarch mentioned, *inter alia*, the promotion of fundamental rights and a guarantee of the independence of the judicial branch of government. Mohammed VI also paid attention to the changes that would affect the system of government. Among his demands there was the reinforcement of the principle of the separation of powers, as well as the transfer of new powers to the legislative body. What is more, the monarch also recognized the need to improve the status of opposition political parties. From the point of view of the system of government, the most significant element of the planned reform was, however, the requirement that the king would appoint as the prime minister a member of the political party with the largest number of votes in parliamentary elections⁷. It would undoubtedly expose the principle of political responsibility of the government before the parliament. Consequently, the expected constitutional changes, in particular those relating to the structure of the system of government, would result in the weakening of the role of the king, and at the same time in the increasing of the position of the parliament and the government headed by the prime minister. The extent, to which the strong constitutional position of the monarch would be limited, was therefore essential in the draft constitutional reform.

Following his speech of 9 March, Mohammed VI established the Consultative Commission on Constitutional Reform. The forum consisted of not only lawyers but also economists and sociologists. All the members of this body were appointed by the monarch. Its task was to draft a text of the reformed basic law⁸. It is worth emphasizing that – unlike some other states that experienced the Arab Spring, for example Tunisia – in Morocco there was no constituent assembly composed of popularly elected representatives of various political parties and other organizations. However, during the work on a new constitution different organizations could submit their proposals on constitutional issues. This also applied to 20 Feb-

⁷ E. Biagi, *op. cit.*, pp. 6-7.

⁸ *Ibid.*, p. 7; O. Bendourou, "La nouvelle Constitution marocaine du 29 juillet 2011", *Revue Française de Droit Constitutionnel* 2012, no. 91, p. 512, [on-line] <http://dx.doi.org/10.3917/rfdc.091.0511>; E. Popławska, "Recepcja zasad zachodniego konstytucjonalizmu (na przykładzie Maroka)", [in:] *Zmiany polityczne w państwach arabskich. Wybrane zagadnienia ustrojowe*, A. Rothert, J. Szymanek, A. Zięba (ed.), Warszawa 2012, pp. 37-38.

ruary Movement⁹. It does not change the fact that the new constitution has been prepared under the auspices of the monarch. It was the king who took the idea of the constitutional changes so that he acquired a special position as an initiator of the reforms, proving that he is able to respond immediately to the voice of the people. Imposing the main directions and the scope of the constitutional reforms, the monarch was able to control indirectly the process of constitution-making. The attention should be paid, however, to the significant difference in comparison with the previous constitutions, even with those which were adopted in the 90s. They all were imposed directly by Hassan II¹⁰. In this case, as a result of the Arab Spring, the power of the king to shape the content of the constitution was to some extent limited. Due to the quick response of the monarch and the immediate establishment of the Consultative Commission on Constitutional Reform, the organizations representing the 20 February Movement did not have a decisive influence on the final content of the new basic law. After a few months, July 1, 2011, the draft constitution was submitted to a popular referendum. Almost 73% of eligible voters took part in the vote. The new constitution was supported by over 98% of them. The process of constitution-making ended 29 July, 2011 with the promulgation of the new basic law¹¹.

3. The constitutional system of government

Taking into consideration the constitutional position of the most important organs of the state, it should be noted that the Moroccan constitution of 29 July, 2011¹² reinforces the principle of the separation of powers. According to the article 1, Morocco is a constitutional, democratic, parliamentary and social monarchy. The constitutional system of the Kingdom is based on the separation, the balance and the collaboration of powers. Such wording was lacking in the previous constitution of 7 October, 1996¹³. It is worth noting that the close cooperation of divided powers

⁹ E. Biagi, *op. cit.*, pp. 7-9.

¹⁰ The monarch had thereby a specific pre-constitutional power (*pouvoir 'pre-constituant'*). See: M. Rousset, "L'interprétation des pouvoirs du roi dans la nouvelle Constitution", [in:] *La Constitution marocaine de 2011. Analyses et commentaires*, Centre d'Études Internationales (ed.), Paris 2012, pp. 50-52.

¹¹ O. Bendourou, *op. cit.*, p. 513; E. Popławska, *op. cit.*, p. 38.

¹² Dahir n° 1-11-91 du 27 chaabanc 1432 (29 juillet 2011) portant promulgation du texte de la Constitution, *Bulletin Officiel*, 30 July 2011, no. 5964 bis, pp. 1902-1928, [on-line] <http://www.sgg.gov.ma>, 10 July 2015; *Draft Text of the Constitution Adopted at the Referendum of 1 July 2011*, trans. by J.J. Ruchti, [in:] *World Constitutions Illustrated*, J.J. Ruchti (ed.), Buffalo-New York 2011, [on-line] http://www.constitutionnet.org/files/morocco_eng.pdf, 10 July 2015.

¹³ Dahir n° 1-96-157 du 23 joumada I 1417 (7 octobre 1996) portant promulgation du texte de la Constitution révisée, *Bulletin Officiel*, 10 October 1996, no. 4420 bis, pp. 643-654, [on-line] <http://www.sgg.gov.ma>, 10 July 2015.

is a key element of the parliamentary system of government. In the constitution of 2011 the factor is emphasized much stronger than before. There is no doubt that without respecting the principle of separation of powers, the parliamentary system cannot be properly constructed and appropriately implemented. This concerns in particular the relationship between the executive and the legislative branches of government.

In regard to the functions conferred on the monarch, it is clear that the constitution of 2011 changes the relationship between the monarchy and the government. In the article 42 the king is defined as the head of state, its supreme representative and a symbol of the unity of the Nation. The role of the monarch is also to be the guarantor of the continuity of the state, as well as the supreme arbitrator (*Arbitre suprême*) between the institutions, who guards the respect for the basic law and the regular functioning of the constitutional institutions. The monarch has to protect the democratic choice (*choix démocratique*) and the rights and freedoms of the citizens. Moreover, the king is the guarantor of the independence of the state and of its territorial integrity. It is worth noting that the function of an arbitrator that alleviates conflicts between other organs of the state is typical of the role of the head of state in the parliamentary model. Moreover, in the new constitution the functions of the king as the head of state have been separated from his functions as a religious leader. This is an important change in comparison with provisions of the previous constitutions. In this way, the two main roles of the head of state are clearly separated. It contributes to a better implementation of the rules of the parliamentary system in which the position of the monarch as a religious leader should not impinge on its functions within the system of government.

As indicated in the speech of Mohammed VI on March 9, 2011, under the new basic law, the king who appoints the government after the parliamentary elections is obliged to take into account the political composition of the House of Representatives (*Chambre des Représentants*) – the first chamber of the Moroccan parliament. According to the article 47, the king appoints the prime minister (described in the constitution of 2011 as the head of government – *Chef du Gouvernement*) from the political party that wins the parliamentary elections, and with a view to their outcomes¹⁴. On proposal of the head of government, the monarch appoints the other members of the cabinet. It should be pointed out that previously the prime minister was appointed at the discretion of the king. What is more, in the light of the constitution of 2011 the prime minister and the government are primarily responsible to the parliament. The prime minister needs to be supported by the parliament at the stage of the creation of the new government after parliamentary elections. As provided in article 88, after the designation of the members of the

¹⁴ According to Mohammed Amine Benabdallah, this constitutional provision implies that it is the prime minister, not the monarch, who decides on the composition of his own government. See: M.A. Benabdallah, "Le bicaméralisme dans la Constitution marocaine de 2011", [in:] *La Constitution marocaine...*, Centre d'Études Internationales (ed.), p. 129.

government by the head of state, the prime minister presents before both chambers the programme that is going to be implemented. There is a debate before each of the chambers, but the discussion is followed by a vote only in the House of Representatives. The confidence is expressed by the vote of the absolute majority of all its members. In this way, the responsibility of the government before the parliament – the most important component of the parliamentary system – was clearly marked. In turn, the political responsibility of the government before the monarch is not expressed in a direct way. Moreover, the new constitution provides in the article 89 that the government exercises the executive power. This constitutional provision should be seen in the context of the principle of the separation of powers that has been undoubtedly strengthened in the new basic law. As stated in the said article, under the authority of the prime minister, the government puts into effect its own governmental programme. On this basis it can be concluded that the government plays an important role in determining the state policy.

A stronger position of the prime minister is also visible in other areas. In the article 104 of the new constitution, the head of government has been granted the right to dissolve the parliament. It refers exclusively to the House of Representatives, so the prime minister is not allowed to dissolve the second chamber – the House of Councillors (*Chambre des Conseillers*). The dissolution of the first chamber may take place by a decree passed in the Council of Ministers. Moreover, it requires consultations with the monarch, the president of the first chamber and the president of the Constitutional Court¹⁵. It should be pointed out that the right of the prime minister to dissolve the parliament is quite original. It is due to the fact that in the pure parliamentary system of government the dissolution of parliament is a typical competence of the head of state that acts as a political arbitrator. It is used mainly in order to ensure the necessary balance between the government and the legislative body¹⁶. Even though in the light of the constitution of 2011 the Moroccan parliament may be dissolved by the monarch, it is not the exclusive competence of the head of state. In this respect, the role of the prime minister is, however, more limited. Firstly, the head of government may dissolve only the first chamber, whereas the king is entitled to dissolve both of them. Secondly, the application of the article 104 requires the participation of the Council of Ministers, which is headed by the king. Therefore, the monarch is surely not devoid of influence on the decision of the prime minister who seeks to dissolve the House of Representatives.

¹⁵ Following the adoption of the constitution of 2011, the latter body has replaced the Constitutional Council. Its role has also been strengthened. It corresponds to the idea of consolidating the status of the judiciary in the Moroccan political system. More broadly on the judicial branch of government in the constitution of 2011 see: B. Mathieu, "Émergence du pouvoir judiciaire dans la Constitution marocaine de 2011", *Pouvoirs* Vol. 2, 2013, no. 145, pp. 47-58; Y. Gaudemet, "Le pouvoir judiciaire dans la Constitution marocaine de 2011", [in:] *La Constitution marocaine...*, Centre d'Études Internationales (ed.), pp. 199-205.

¹⁶ Ł. Jakubiak, "Parlamentaryzacja marokańskiego systemu rządów na gruncie konstytucji z dnia 29 lipca 2011 r.", *Przegląd Prawa Konstytucyjnego* 2014, no. 4, pp. 108-109.

What is more, the constitution of 2011 strengthened the role of the prime minister as the leader of the government. According to the article 92, under the presidency of the prime minister, the Council of Government – body, which was not provided in the previous constitutions – deliberates on the general policy of the state before it is presented in the Council of Ministers. It also deliberates on some other issues, such as: public policies, the engagement of the political responsibility of the government before the first chamber, as well as current affairs relating to the human rights and public order. This is another proof of a better position of the government and the prime minister. It should be emphasized that meetings of the Council of Government – unlike meetings of the Council of Ministers – are held without the participation of the king. Consequently, the prime minister may meet officially with ministers without the participation of the monarch, which gives the opportunity to determinate the policy of the government within its own political environment. For this reason, the Council of Government in Morocco resembles to some extent the council of cabinet in the Fifth French Republic, although the latter has not been settled in the constitutional provisions. It appeared only in political practice. It is worth noting that the Moroccan Council of Government has its own constitutional powers, which means that this body is not under the constant tutelage of the king¹⁷.

The consequence of the strengthening of the position of the government led by prime minister is the evident shift in emphasis concerning the political responsibility of the government. The constitution of 2011 does not contain provisions explicitly giving the monarch a right to dismiss the whole government by his own decision. The article 47 provides only that the king may, on his own initiative, and after consultation with the prime minister, terminate the functions of one or several members of the body. This means that – according to Didier Maus – political responsibility before the king is ambiguous and not as strong as before¹⁸. What is more, the right to dismiss ministers has not been exempted from the requirement of countersignature. It further reduces the position of the monarch in relation to the government. It should be mentioned that the king does not have a direct impact on the composition of the government. It is due to the fact that the head of state appoints the members of the body on proposal of the prime minister. On the basis of the constitutional regulation of the governmental responsibility, it seems that the cabinet led by the prime minister is much more connected with the parliament than with the monarch¹⁹. It is one of the most important features of the constitutional reform of 2011. The same process can be seen in the constitutional regulation of the motion of censure. According to the article 105, the House of

¹⁷ D. Melloni, "La Constitution marocaine de 2011. Une mutation des ordres politique et juridique marocains", *Pouvoirs* Vol. 2, 2013, no. 145, p. 7.

¹⁸ D. Maus, "L'exécutif dans la Constitution marocaine de 2011", [in:] *La Constitution marocaine...*, Centre d'Études Internationales (ed.), p. 75.

¹⁹ Ł. Jakubiak, *op. cit.*, pp. 107-108.

Representatives may engage the political responsibility of the government on its own initiative. Moreover, the parliamentary responsibility of the body before the first chamber may be engaged by the head of government. It takes place on a declaration concerning the public policy or in connection with the vote of a text. The refusal of confidence has far-reaching effects. It results in the resignation of government (the article 103). It is worth noting that in the light of the new constitution, the parliament has additional instruments that give it the opportunity to obtain information about governmental activities. According to the article 101, the prime minister presents before the parliament an account concerning the actions taken by the government. The head of government is obliged to do so if there is a demand of the members of the legislative body, but the prime minister has also the possibility to act on his own initiative.

The reinforcement of the constitutional position of the prime minister and the government is unquestionable, but this opinion should not lead to far-reaching conclusions. Despite the aforementioned changes, a lot of key royal powers have been retained. As a result, the king can still have a major impact on the activity of the government. First of all, according to the article 48, the king presides over the Council of Ministers composed of the prime minister and other ministers. As provided in the article 49, the Council of Ministers deliberates on the strategic directions for the state policy. This body also deliberates on other matters, such as: amendments to the constitution or bills of organic laws. In this way, the king is able to influence directly the policy of the state. Through the Council of Ministers the monarch could also try to secure a permanent guardianship of the government. The monarch promulgates laws (the article 50), may address messages to the Nation and to the parliament (the article 52) or is able to dissolve both chambers of the parliament or only one of them (the article 52). These powers give him direct influence on the parliament, and indirect on the government. What is more, the king still plays an important role in the field of national security. It results from his function as the supreme chief of the royal armed forces. The special attention should be paid to the Superior Council of Security (*Conseil supérieur de sécurité*), because it is the monarch who presides over this body. Moreover, the head of state has extraordinary powers if there is a serious threat to the state security. According to the article 59, when the integrity of the national territory is threatened or the regular functioning of the constitutional institutions of the state is obstructed, the king may, after consultations with the prime minister, the president of the House of Representatives, the president of the House of Councillors, as well as with the president of the Constitutional Court proclaim the state of emergency²⁰. The

²⁰ Such royal powers are based directly on the article 16 of the French constitution of 1958. These powers were also granted to the king in the previous Moroccan constitutions. Such a regulation of the state of emergency is characteristic of other French-speaking African countries. More broadly on this topic see: J. Robert, "L'état d'exception dans la Constitution du Maroc", [in:] *Trente années...*, pp. 239-260; A. Cabanis, M.L. Martin, *Les constitutions d'Afrique francophone. Évolutions récentes*, Paris 1999, pp. 105-109.

extraordinary powers of the monarch undoubtedly correspond to his role as the guarantor of the national independence.

It should also be noted that not all the powers of the head of state require the countersignature. As far as the powers that have been exempt from countersigning are concerned, the monarch is able to make use of a substantial scope of political autonomy. The limited significance of countersignature causes that the head of state is much more independent from the government. In conjunction with some other provisions of the current basic law that are surely beneficial to the monarch, it must be said that the planned weakening of its constitutional position has its clearly defined limits. This in turn determines the extent to which it is possible to strengthen the status of the prime minister as the head of government. Taking into account the described position of the king, there is no reason to believe that the prime minister could become an exclusive leader of the executive branch. There is no doubt that the monarch has not been deprived of any significant influence on the daily management of the state. Chairing the meetings of the Council of Ministers, where a lot of important decisions are made, proves it. This is the place where the king still has a lot to say. The same applies to the remarkable participation of the monarch in the law-making process.

4. Conclusions

In conclusion, it should be noted that – as far as the constitutional reforms of 2011 are concerned – the Arab Spring has brought only limited success. It is very well visible on the example of the system of government that is regulated in the provisions of the basic law. Contrary to the expectations of supporters of the 20 February Movement, Morocco did not transformed into a monarchy based on the European parliamentary model in which “the king reigns but does not govern”²¹. It can be concluded, however, that the current Moroccan system of government seems to be much more balanced. Consequently, this system is more like a classic semi-presidential system than pure parliamentary one. Such a situation can be seen as a result of the specificity of the Moroccan political life and the tradition of the country in conjunction with some circumstances of the Moroccan Arab Spring (first of all, a fast response of the monarch after the outbreak of social protests). Therefore, the king could impose the framework of the new basic law and control the process of constitution-making. However, despite the limited results of the constitutional changes, the basic law of 2011 clearly differs from the previous constitution of 1996. From this point of view, the new constitution seems to be an important step forward. Thanks to the basic law, Morocco is undoubtedly closer to the European monarchical systems, although this goal is still far away. Taking into account the specificities of North African states, it does not seem that it will ever be achieved.

²¹ E. Biagi, *op. cit.*, p. 13.

It can also be concluded that after the Arab Spring of 2011 the Moroccan constitutionalism, which since the adoption of the first basic law of 1962 has been borrowing some French constitutional designs²², resembles – *toutes proportions gardées* – the semi-presidential system of the Fifth Republic. Although Morocco is not a republic, in the light of the constitution of 2011, relations in the triangle of the head of state – the government – the parliament seem to be quite similar to the relationship between the French political institutions that constitutes the semi-presidential model. In both cases, the characteristic is a kind of constitutional balance of power within the executive branch of government. Following the adoption of the constitution of 2011, the Moroccan system of government approached the parliamentary system in its highly rationalized version. Consequently, the parliamentarization of the system of government, which had been dominated by the monarch before 2011, resulted in the adoption of ideas, which are typical of semi-presidentialism. The most important issue is that in such a system there is – as Giovanni Sartori noted – a bicephalous executive that is composed of the head of state and the prime minister. The latter is independent from the president of the Republic, but has to be supported by the parliament. At the same time, the head of state is quite strong, but cannot govern alone. It leads to the conclusion that the president of the Republic has to share executive power with the head of government²³. However, the aforementioned constitutional similarities do not necessarily mean similarities in the practice of governance. The real functioning of the constitutional institutions is the result of many factors, which are to a large degree unrelated to the content of the basic law.

²² Various mechanisms of rationalized parliamentarianism concerning law-making process may be regarded as constitutional designs taken from France and applied in the Moroccan constitutionalism. More broadly on this topic see: M. Guibal, "Les sources modernes de la Constitution marocaine", [in:] *Trente années...*, D. Basri, M. Roussel, G. Vedel (ed.), pp. 50-54.

²³ G. Sartori, *op. cit.*, pp. 131-132. More broadly on the other definitions of semi-presidentialism see: M. Duverger, "Le concept de régime semi-présidentiel", [in:] *Les régimes semi-présidentiels*, M. Duverger (ed.), Paris 1986, pp. 7-17; R. Elgie, "What is semi-presidentialism and where is it found?", [in:] *Semi-presidentialism outside Europe. A comparative study*, R. Elgie, S. Moestrup (ed.), London–New York 2007, pp. 1-13; J. Szymanek, "System półprezydencki (mieszany). Metodologiczna zasadność i prakseologiczna użyteczność", [in:] *Systemy rządów w perspektywie porównawczej*, idem (ed.), Warszawa 2014, pp. 279-323.

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